

POLICY NOTE

THE ELECTRICITY (APPLICATIONS FOR CONSENT AND VARIATION OF CONSENT) (FEES) (SCOTLAND) REGULATIONS 2019

SSI 2019/176

The above instrument was made in exercise of the powers conferred by sections 36(8), 36C(2) and 60(3) of, and paragraph 1(3) of Schedule 8 of the Electricity Act 1989. The instrument is subject to negative procedure.

Purpose of the instrument.

To set the fees required to be paid on making applications to the Scottish Ministers under sections 36, 36C and 37 of the Electricity Act 1989.

Policy Objectives

Introduction

The purpose of the Regulations is to update and replace the provisions of the Electricity (Applications for Consent) Regulations 1990 (as amended in 2005, 2006 and 2013) which require fees for applications under sections 36 and 37 of the Electricity Act 1989 (“the Act”). The Regulations specify a range of fees to be paid on making applications to the Scottish Ministers under sections 36, 36C and 37 of the Act.

The *Scottish Public Finance Manual* (“SPFM”) sets out the standard approach to setting charges for public services. Public service costs should, in general, be recovered in full; the reasoning, duration and level of any subsidy of such services should be decided and documented clearly. The SPFM also emphasises the importance of regular reviews, and if appropriate, revisions to the charging level. In cognisance of the SPFM, the Regulations will recover a greater proportion of the administrative cost associated with Electricity Act applications as is currently borne by the public exchequer.

Key Changes

The Regulations replace the previous fee structures, and provide for increased fee levels for applications made under sections 36 and 37 of the Act. The Regulations also introduce new fees for applications made under section 36C of the Act (variation of a consent granted under section 36).

The Scottish Energy Strategy: The Future Of Energy In Scotland published in 2017 sets out the Scottish Government’s support for energy infrastructure including electricity generation and networks. The Scottish Government’s 2050 vision for energy in Scotland is a flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses.

Consultation

The Scottish Government consulted on proposals for revisions to fees and the introduction of new fees for variations, pre-application and scoping through the consultation entitled “*Fees Charged for Applications under the Electricity Act 1989*” between February and May 2018. Scottish Ministers revised their proposals after consideration of the comments received helped to inform the final decision and ensure the appropriate balance has been struck between the policy objectives of the Energy Strategy and the aims of public finance management given by the Scottish Public Finance Manual. The responses, analysis paper and a full list of those who responded and agreed to the release of information are available on the Scottish Government website at <https://consult.gov.scot/energy-and-climate-change-directorate/power-lines-and-electricity-generating-stations/>.

Impact Assessments

A screening process was undertaken to establish whether an Equality Impact Assessment (EQIA) was required, this found that no EQIA was required.

Financial Effects

The Scottish Government consulted on a draft partial Business and Regulatory Impact Assessment (BRIA) as part of its February 2018 consultation paper. The partial BRIA concluded that some additional financial requirements would fall to developers. Amendments have been made to produce the final BRIA which reflects the final decision on fees to be implemented, based on responses received. The final BRIA, ISBN: 9781787815025, is available on the Scottish Government website at <https://www.gov.scot/publications/fees-charged-applications-under-electricity-act-1989-final-business-regulatory-impact-assessment/>.

Scottish Government
Directorate for Energy and Climate Change
May 2019